

Motion to dismiss with prejudice granted 2/26/10.

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

OSCAR HAWAII

Plaintiff,

v.

CAROL POPP, ET AL.

Defendants.

) CASE NO. 1:09CV00527
)
) JUDGE JAMES S. GWIN
)
)
)
) MOTION TO
) DISMISS PURSUANT
) TO CIVIL RULE 41

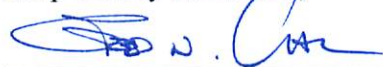
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U.S. DISTRICT COURT OF OHIO
CLEVELAND

Plaintiff, Oscar Hawaii, hereby moves this Honorable Court for an Order dismissing the instant action. For financial and health reasons, Plaintiff has determined that he is not able to proceed with this case at this time. Plaintiff's counsel contacted all of the Defendants to request that pursuant to Rule 41(a) they stipulate to the dismissal of this case. Defendants Carol Popp and George Csatory agreed to stipulate to dismissal of the action if all other defendants agreed. Defendant Curtis Pree was never served. Defendants Kamel Abdallah and Universal Property Development & Acquisition Corp. never responded to Plaintiff's requests for a stipulated dismissal

In light of the foregoing, it is respectfully requested that the Court order that this matter be dismissed with prejudice. Plaintiff has acknowledged that the case will be dismissed with prejudice and has indicated that he is still unable to proceed at this time.

Respectfully submitted,



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